

Punishment for cruelty to animals
(HB 151 by Finnell/Glasgow)

DIGEST: HB 151 would have made certain cruelty-to-animals offenses third-degree felonies, if it was shown that the offender had two or more previous convictions for one of the same offenses. The bill would have reduced the penalty for persons convicted of failing to provide necessary food, water, care or shelter for an animal in their custody or unreasonably abandoning an animal. These offenses would have been downgraded from Class-A to Class-C misdemeanors and also would not have been included in the repeat-offender section.

GOVERNOR'S
REASON
FOR VETO:

The governor said this bill would make a third offense for certain activities prohibited by the cruelty-to-animals statute a third-degree felony, punishable by up to 10 years in the state penitentiary. At the same time, the bill would lower the penalty for starvation, neglect or abandonment of an animal to a \$200 fine. The governor said, "I share the widely held concern for preventing cruelty to animals, but this bill is the wrong approach. This bill would make the policy statement that certain types of cruelty are not as bad as other types of cruelty. If this bill were to become law, a person convicted for a third offense of cockfighting could be sentenced to prison for 10 years while a person who starves a herd of horses would be subject only to a \$200 fine. It would be a better approach to combine higher monetary fines with stricter enforcement of existing law effectively to address this issue in its entirety."

AUTHOR'S
VIEW:

Rep. Charles Finnell said he was disturbed by the governor's veto and believed the governor had misunderstood the potential benefits of the proposed statute.

"Apparently the governor failed to recognize that a quicker resolution of animal neglect and abandonment cases is in the best interests of law enforcement officers and animal control officials. Existing law embroils law enforcement officers in needless delays at the often overcrowded county court level. If passed into law, this legislation would have greatly assisted law enforcement officials by enabling them to go through municipal and justice of the peace courts so

that timely remedial steps could be taken," said Rep. Finnell.

"In his veto proclamation, the governor implies that HB 151 is a cockfighting bill and that it deals harshly with cockfighters. But cockfighting is, first of all, already illegal in Texas and, second of all, HB 151 does not refer to any specific animal. The bill would have attempted to deter all acts 'causing one animal to fight another.'

"HB 151 would have revised animal cruelty statutes so that realistic, workable, efficient means of law enforcement action could be taken."

NOTES:

The House Research Organization analysis of HB 151 appeared in the April 13, 1987 Daily Floor Report.